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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 SAMUEL TAYLOR, ) CASE NO. CV 11-5796-AHS (PJW)  
11 )  
12 Petitioner, ) ORDER TO SHOW CAUSE WHY PETITION  
13 v. ) SHOULD NOT BE DISMISSED  
14 )  
15 LARRY SCRIBNER, )  
Respondent. )

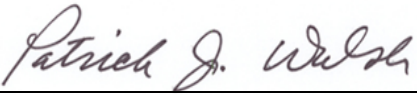
16 On July 14, 2011, Petitioner filed a Petition for Writ of Habeas  
17 Corpus, seeking to challenge his September 2000 state court  
18 convictions for first degree murder and attempted robbery. (Petition  
19 at 2.) In the Petition, he claims that there was insufficient  
20 evidence to support his convictions; his trial and appellate counsel  
21 provided constitutionally ineffective assistance; he was subjected to  
22 prosecutorial misconduct, police misconduct, and vindictive  
23 prosecution; and the trial court violated his right to a fair trial.  
24 (Petition at 5-46.) For the following reasons, Petitioner is ordered  
25 to show cause why his Petition should not be dismissed because it is  
26 time-barred.

27 State prisoners seeking to challenge their state convictions in  
28 federal habeas corpus proceedings are subject to a one-year statute of

1 limitations. 28 U.S.C. § 2244(d). Here, Petitioner's conviction  
2 became final in May 2004--90 days after the state supreme court denied  
3 review and the time expired for him to file a petition for writ of  
4 certiorari with the United States Supreme Court. See *Bowen v. Roe*,  
5 188 F.3d 1157, 1158-59 (9th Cir. 1999). Therefore, the statute of  
6 limitations expired one year later, in May 2005. See *Patterson v.*  
7 *Stewart*, 251 F.3d 1243, 1246 (9th Cir. 2001). Petitioner, however,  
8 did not file this Petition until July 2011, more than six years after  
9 the deadline.

10 IT IS THEREFORE ORDERED that, no later than **August 25, 2011**,  
11 Petitioner shall inform the Court in writing why this case should not  
12 be dismissed with prejudice because it is barred by the statute of  
13 limitations. Failure to timely file a response will result in a  
14 recommendation that this case be dismissed.

15 DATED: July 25, 2011.

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18 PATRICK J. WALSH  
19 UNITED STATES MAGISTRATE JUDGE  
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28 S:\PJW\Cases-State Habeas\TAYLOR, S 5796\OSC dismiss pet.wpd